

REMARKS

This response is in reply to the Office Action ("Office Action") mailed July 19, 2010.

Claim 2 is currently rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,441,043 to Henry et al ("Henry") in view of U.S. Patent No. 6,813,715 to Yi ("Yi") and further in view of U.S. Patent No. 7,287,269 to Burton et al ("Burton"). Further, Claims 5, 15 and 16 are currently rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Henry in view of Yi and further in view of Burton and further in view of U.S. Publication No. 2006/0185013A1 to Oyama et al ("Oyama").

While applicants respectfully disagree that the cited and applied references teach or suggest the claimed subject matter, clarifying amendments have been made to claims 2, 5, 15 and 16. Claims 17-24 have been added, and may find support, for example, in paragraphs [0048], [0036] and [0039] of the specification as seen in the published application (U.S. Patent Application Publication No. 2008/0232382A1). Therefore, claims 2, 5, and 15-24 are pending in the present application.

Applicants respectfully assert that the present application is in condition for allowance, for the reasons detailed below.

A. Claims 2, 5, and 15-24 are Not Obvious under 35 U.S.C. § 103(a)

A *prima facie* case of obviousness may be established under 35 U.S.C. § 103(a) if "all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art." *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398 (2007); M.P.E.P. § 2143.A. Because independent claims 2, 5, 15 and 16 recite combinations of features neither taught nor suggested in Henry, even when combined with Yi, Burton and Oyama, a *prima facie* case of obviousness has not been made.

1. Claim 2 is Allowable

Clarifying amendments have been made to claim 2 so as to recite that “an address notifying section that sends an IP address of the mobile wireless terminal apparatus to the virtual private network relay apparatus that performs an IPsec key exchange with the mobile wireless terminal apparatus using the IP address of the mobile wireless terminal, via the connection authentication server, when the connection to the public wireless LAN system is permitted.”

As admitted in the Office Action, Henry fails to teach or suggest “an address notifying section that sends an IP address of the mobile wireless terminal apparatus to the virtual private network relay apparatus, via the connection authentication server” as recited in claim 2. (Office Action, page 4.) To remedy this deficiency, The Office relies on Yi as allegedly disclosing, at col. 4 lines 25-57 and col. 5 line 24 through col. 6 line 11, that an user authentication client unit of a remote mobile apparatus sends user information to the home gateway, via the authentication server unit.

However, Yi does not disclose that the “user information” is an IP address of the remote mobile apparatus. In addition, although Yi discloses that the user information is sent to the authentication server unit of the home-portal server, Yi does not teach that the authentication server unit then forwards the user information to the home gateway. Furthermore, Yi does not at all disclose that the “user information” is used for an IPsec key exchange with the remote mobile apparatus by the home gateway.

As a result, Yi fails to disclose “an address notifying section that sends an IP address of the mobile wireless terminal apparatus to the virtual private network relay apparatus that performs an IPsec key exchange with the mobile wireless terminal apparatus using the IP address of the mobile wireless terminal, via the connection authentication server, when the connection to the public wireless LAN system is permitted” as recited in amended claim 2. (Emphasis added.)

Also, regarding Burton, applicants merely note that Burton fails to remedy the deficiency of Henry and Yi with respect to the claim element discussed above and missing in Henry and Yi.

For at least the reasons discussed above, Henry in view of Yi, and further in view of Burton, in any combination, fail to teach or suggest each and every element of amended claim 2. Accordingly, a *prima facie* case of obviousness has not been established. Therefore, applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claim 2.

2. Claims 5, 15 and 16 are Allowable

Similar to claim 2, claims 5, 15 and 16 recite “an address notifying section that sends an IP address of the mobile wireless terminal apparatus to the virtual private network relay apparatus that performs an IPsec key exchange with the mobile wireless terminal apparatus using the IP address of the mobile wireless terminal, via the connection authentication server, when the connection to the public wireless LAN system is permitted.”

Further, regarding Oyama, applicants merely note that Oyama fails to remedy the deficiency of Henry, Yi, and Burton with respect to the claim element discussed above and missing in Henry, Yi, and Burton.

As such, for at least the reasons discussed above with respect to claim 2, Henry, Yi, Burton, and Oyama, in any combination, likewise fail to teach or suggest all elements recited in each of claims 5, 15 and 16. Accordingly, a *prima facie* case of obviousness has not been established against claims 5, 15 and 16. Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejections of claims 5, 15 and 16.

3. New Claims 17-24

Claim 17-24 have been added. Claims 17 and 18 depend from amended claim 2, and thus contain each and every element of claim 2. Claims 19 and 20 depend from amended claim 5, and thus contain each and every element of claim 5. Claims 21 and 22 depend from

amended claim 2, and thus contain each and every element of claim 15. Finally, claims 23 and 24 depend from amended claim 2, and thus contain each and every element of claim 16.

Therefore, for at least the reasons discussed above with respect to claims 2, 5, 15 and 16, these dependent claims 17-24 are further submitted as reciting the subject matter that is not rendered obvious by Henry, Yi, Burton, and Oyama.

B. Closing

All of the claims remaining in the application (claims, 2, 5, and 15-24) are clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

The Director is authorized to charge additional fees due by way of this Amendment only, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,
SEED Intellectual Property Law Group PLLC

/Shoko Leek/
Shoko I. Leek
Registration No. 43,746

SIL:tt

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Phone: (206) 622-4900
Fax: (206) 682-6031

1672046_1.DOC